

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 131

HOUSE BILL 2750

AN ACT

AMENDING SECTIONS 22-101, 22-201 AND 22-301, ARIZONA REVISED STATUTES;
RELATING TO JUSTICE COURTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 22-101, Arizona Revised Statutes, is amended to
3 read:

4 22-101. Justice precincts; formation, change or abolishment;
5 jurisdiction

6 A. The board of supervisors shall divide the county into justice
7 precincts and name or number them, and may change or abolish any justice
8 precinct or redistrict the county, but abolishment of a precinct shall not
9 take effect until expiration of the term of office of the justice and
10 constable then in office.

11 B. A JUSTICE OF THE PEACE SHALL HAVE ORIGINAL JURISDICTION AS PROVIDED
12 IN SECTIONS 22-201 AND 22-301.

13 Sec. 2. Section 22-201, Arizona Revised Statutes, is amended to read:

14 22-201. Jurisdiction of civil actions

15 A. Justices of the peace have jurisdiction only as affirmatively
16 conferred on them by law.

17 B. Justices of the peace have exclusive original jurisdiction of all
18 civil actions when the amount involved, exclusive of interest, costs and
19 awarded attorney fees when authorized by law, is ~~five~~ TEN thousand dollars or
20 less.

21 ~~C. Justices of the peace have concurrent original jurisdiction with~~
22 ~~the superior court in cases when the amount involved, exclusive of interest,~~
23 ~~costs and awarded attorney fees when authorized by law, is more than five~~
24 ~~thousand dollars and less than ten thousand dollars.~~

25 ~~D.~~ C. Justices of the peace have jurisdiction concurrent with the
26 superior court in cases of forcible entry and detainer when the amount
27 involved, exclusive of interest, costs and awarded attorney fees when
28 authorized by law, is ten thousand dollars or less.

29 ~~E.~~ D. Justices of the peace have jurisdiction to try the right to
30 possession of real property when title or ownership is not a subject of
31 inquiry in the action. If in any such action the title or ownership of real
32 property becomes an issue, the justice shall so certify in the docket, at
33 once stop further proceedings in the action and forward all papers, together
34 with a certified copy of the docket entries in the action, to the superior
35 court, where the action shall be docketed and determined as though originally
36 brought in the superior court.

37 E. IN A COUNTY WITH A POPULATION OF MORE THAN TWO MILLION PERSONS, THE
38 JUSTICE OF THE PEACE OF EACH JUSTICE PRECINCT SHALL HAVE ORIGINAL
39 JURISDICTION TO HEAR THE FOLLOWING ACTIONS THAT OCCUR IN THE RESPECTIVE
40 PRECINCT IN WHICH THE JUSTICE OF THE PEACE COURT IS LOCATED:

41 1. CIVIL ACTIONS PURSUANT TO SUBSECTIONS B AND C OF THIS SECTION.

42 2. SMALL CLAIMS PURSUANT TO CHAPTER 5 OF THIS TITLE.

43 3. CIVIL TRAFFIC OFFENSES UNLESS A CIVIL TRAFFIC OFFENSE IS FILED IN A
44 MUNICIPAL COURT BY A MUNICIPAL OFFICER OR AGENT OR BY AN OFFICER EMPLOYED BY

1 A LAW ENFORCEMENT AGENCY UNDER CONTRACT TO THAT MUNICIPALITY TO PROVIDE LAW
2 ENFORCEMENT SERVICES.

3 4. SPECIAL DETAINERS AND FORCIBLE DETAINERS PURSUANT TO TITLE 33,
4 CHAPTERS 11 AND 19 AND FORCIBLE DETAINERS PURSUANT TO TITLE 33, CHAPTER 3 IF
5 THE AMOUNT OF RENT REQUESTED IS TEN THOUSAND DOLLARS OR LESS.

6 F. In actions between landlord and tenant for possession of leased
7 premises, the title to the property leased shall not be raised nor made an
8 issue.

9 G. If in any action before a justice of the peace a party files a
10 verified pleading ~~which~~ THAT states as a counterclaim a claim in which the
11 amount involved, exclusive of interest and costs, is more than ten thousand
12 dollars, the justice of the peace shall certify this in the docket, at once
13 stop further proceedings in the action and forward all papers, together with
14 a certified copy of the docket entries in the action, to the superior court,
15 where the action shall be docketed and determined as though originally
16 brought in the superior court. The party shall pay to the clerk of the
17 superior court the same fees required to be paid by a defendant, and no other
18 party in the action before the justice of the peace shall be required to pay
19 any sum. If the party is finally adjudged to be entitled to recover on the
20 counterclaim, exclusive of interest and costs, ten thousand dollars or less,
21 the superior court may deny costs to the party and ~~may~~, in addition, MAY
22 impose costs, including reasonable attorney fees, on the party. The superior
23 court shall have original jurisdiction of the action, but ~~it may~~ at any time
24 in furtherance of convenience or to avoid prejudice, or if it appears that
25 the amount involved in the counterclaim, exclusive of interest and costs, is
26 ten thousand dollars or less, IT MAY remand the action, or any claim or
27 counterclaim of which the justice court has jurisdiction, to the justice
28 court and may order costs.

29 H. The justice of the peace may require arbitration or other dispute
30 resolution methods that are approved by the supreme court in all civil
31 actions, except forcible entry or detainer actions.

32 Sec. 3. Section 22-301, Arizona Revised Statutes, is amended to read:

33 22-301. Jurisdiction of criminal actions

34 A. The justice of the peace courts shall have jurisdiction of the
35 following offenses committed within their respective precincts in which such
36 courts are established, subject only to the right to change of venue as
37 provided by law:

38 1. Misdemeanors and criminal offenses punishable by a fine not
39 exceeding two thousand five hundred dollars, or imprisonment in the county
40 jail for not to exceed six months, or by both a fine and imprisonment. A
41 penalty assessment levied pursuant to section 12-116.01 or 12-116.02 shall
42 not be considered as part of the fine for purposes of determining
43 jurisdiction. The amount of restitution or incarceration costs shall not be
44 considered as part of the fine for purposes of determining jurisdiction.

1 2. Felonies, but only for the purpose of commencing action and
2 conducting proceedings through preliminary examinations and holding the
3 defendant to answer to the superior court or to discharge the defendant if it
4 appears that there is not probable cause to believe the defendant is guilty
5 of an offense.

6 B. IN A COUNTY WITH A POPULATION OF MORE THAN TWO MILLION PERSONS, THE
7 JUSTICE OF THE PEACE OF EACH JUSTICE PRECINCT SHALL HAVE ORIGINAL
8 JURISDICTION TO HEAR MISDEMEANOR OFFENSES AS SET FORTH IN SUBSECTION A,
9 PARAGRAPH 1 OF THIS SECTION THAT OCCUR WITHIN THE RESPECTIVE PRECINCT IN
10 WHICH THE JUSTICE OF THE PEACE IS ELECTED UNLESS EITHER OF THE FOLLOWING
11 APPLIES:

12 1. THE OFFENSE IS FILED BY A MUNICIPAL OFFICER OR AGENT IN A MUNICIPAL
13 COURT.

14 2. THE OFFENSE IS CONSOLIDATED WITH A FELONY OFFENSE IN THE COMPLAINT,
15 INFORMATION OR INDICTMENT.

16 ~~B.~~ C. For purposes of subsection A OR B of this section, an offense
17 is committed within the precinct of a justice of the peace court if conduct
18 constituting any element of the offense or a result of such conduct occurs
19 within the precinct.

APPROVED BY THE GOVERNOR APRIL 24, 2007.

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